

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

RODGER WOELLER,

Plaintiff,

v.

CAMDEN COUNTY CORRECTIONAL
FACILITY, et al.,

Defendant.

HONORABLE JEROME B. SIMANDLE

Civil Action
No. 15-2885 (JBS-JS)

MEMORANDUM OPINION

SIMANDLE, Chief Judge:

Before the Court is Petitioner Rodger Woeller's ("Plaintiff") request for relief pursuant to 18 U.S.C. § 3626(a)(3).

1. Petitioner is a pretrial detainee at Camden County Correctional Facility ("CCCF"). Plaintiff filed this action requesting to be released due to unconstitutional conditions of confinement.

2. Section 3626, entitled "Appropriate Remedies with respect to prison conditions," is a remedial statute and does not confer independent jurisdiction upon this Court. See *Handberry v. Thompson*, 446 F.3d 335, 345 (2d Cir. 2006) ("Section 3626(a) limits not jurisdiction, but rather the types of remedies available once jurisdiction has been properly invoked."). The Court therefore construes the filing as a

Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. See *Leamer v. Fauver*, 288 F.3d 532, 542 (3d Cir. 2002) ("whenever the challenge ultimately attacks the 'core of habeas' . . . a challenge, however denominated and regardless of the relief sought, must be brought by way of a habeas corpus petition.'").

3. Petitioner neither prepaid the \$5.00 filing fee for a habeas petition as required by Local Civil Rule 54.3(a), nor submitted a complete application to proceed *in forma pauperis* ("IFP") that contains a certification by an authorized official at his place of confinement certifying Petitioner's institutional account for the preceding six months, as required under L.Civ.R. 81.2(b).

4. The Clerk of the Court shall be ordered to provide Petitioner with a blank *in forma pauperis* application. Petitioner may submit the completed application, or the filing fee, within 30 days for this Court's consideration.

May 4, 2015
Date

s/ Jerome B. Simandle
JEROME B. SIMANDLE
Chief U.S. District Judge